

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte CHARLES COULIER and PHILIPPE BRUN

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Appeal No. 2006-2426  
Application 09/601,222  
Technology Center 2100

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Decided: February 23, 2007

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Before JAMES D. THOMAS, JOSEPH F. RUGGIERO, and JEAN R.  
HOMERE, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134, Appellants have appealed to the Board from the Examiner's final rejection of claims 1, 2, and 4, the Examiner having allowed claims 3 and 5 through 7.

Representative independent claim 1 is reproduced below:

1. A system of managing security for data processing applications, comprising:

directories in which the data processing applications are stored, said directories being organized in an n-level tree; and

a number of security registers which are selectively allocatable to any one of a plurality of said directories, each security register containing all rights or secrets which have been granted under the directory to which it has been allocated.

The following references are relied on by the Examiner:

Shanton	US 5,680,452	Oct. 21, 1997
Jennings, III	US 6,134,631	Oct. 17, 2000 (filed Oct. 31, 1996)
Proust	US 6,216,014	Apr. 10, 2001 (102(e) date Nov. 9, 1998)

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Proust in view of Jennings as to claim 1, with the addition of Shanton as to claims 2 and 4.<sup>1</sup>

Rather than repeat the positions of the Appellants and the Examiner, reference is made to the Brief, Reply Brief, and Supplemental Reply Brief for Appellants' positions, and to the revised Answer mailed on May 18, 2006 for the Examiner's positions.

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<sup>1</sup> As indicated at the bottom of page 10 of the Answer, the Examiner has withdrawn an outstanding rejection of claim 1 under the second paragraph of 35 U.S.C. § 112.

## OPINION

As the reader will understand, even though we do not agree with the Examiner's analysis of the applied prior art, nevertheless we are convinced of the obviousness of the subject matter of independent claims 1 and 2 on appeal and dependent claim 4 based upon the applied prior art. Appellants' positions in the Brief and Reply Briefs do not appear to contest the Examiner's correlation of various directories and what the Examiner considered to be security registers in Proust. On the other hand, the focus of Appellants' arguments in these Briefs is that the applied prior art fails to address the feature of a number of security registers being "selectively allocatable" in independent claim 1 on appeal and the corresponding feature of "dynamically allocating" in independent claim 2 on appeal. We strongly disagree with this conclusion.

Figure 1 of Proust shows subscriber identity modules SIMs which have data storage module elements 8, the details of which are set forth in various forms in Figures 4 through 10. The addressability of this data storage occurs with respect to the enhanced short message data structure in Figure 2, with particular reference to the TP-0 address in the header in Figure 2, the details of which are set forth in Figure 6. Storage element 8 is shown in Figures 4, 9, and 10 to be a tree structured hierarchical store including a root directory MF, sub-directories DF, and elementary files EF. The accessibility of the data in the data storage element 8 occurs first with respect to the showings in Figures 3A, 3B operating in accordance with the flowchart of Figure 5 to yield the 8 groups of file accessibility shown at the bottom of Figure 4 and discussed in the paragraphs bridging columns 12 and 13. The login file address TP-0A in Figure 2 is shown in detail in Figure 6

with various associated accessibility or authorization criteria for each application program.

Notwithstanding the Examiner's view that Proust does not teach or suggest within 35 U.S.C. § 103 to the artisan the selected allocatability of independent claim 1 and the dynamic allocatability in Figure 2 of the corresponding registers, we find otherwise. The discussion of the noted figures clearly would have led the artisan to understand the selected allocatability or dynamic allocatability of the corresponding registers or authorization modes or security reference levels or security schema with respect to each user and each application program of each level of the directories shown in Figures 4, 9, and 10. From our review of Proust, it appears clear that when properly considered, the teachings and suggestions in Proust alone would have rendered obvious to the artisan the subject matter of claims 1, 2, and 4 on appeal.

Like Appellants' remarks at page 7 of the principal Brief on appeal, it is not apparent why the Examiner has relied upon the additional teachings and showings in Jennings since the portions actually relied upon by the Examiner merely support what is already taught in Proust and do not readily appear to support the Examiner's urging that Jennings teaches the selective allocatability or dynamic allocatability within his own tree structured memory arrangement. Jennings, therefore, appears to be merely cumulative to what is already taught in Proust.

Of particular note is the additional showing in Figure 10 of Proust of a second example of partitioning the data storage of Figure 1 between several application programs. This figure depicts the same route directory, subdirectories, and elementary file structure in a slightly different manner

than was done in the earlier figures. Significantly, the discussion of this figure at column 16 and the showing of respective deactivation or activation of various security levels in Figure 10 correspond to the claimed selective allocatable and dynamically allocatable register arrangement of independent claims 1 and 2 on appeal. These teachings and showings appear not to have been appreciated by both the Examiner and the Appellants.

Page 2 of the initial Reply Brief begins Appellants' complaint that Proust at best appears to illustrate a one-to-one relationship between the addresses TP-0A and the "registers" 61-63 in Figure 6 of Proust such that the noted pointers according to the Examiner's position do not point to the same parameter. Appellants are therefore urging that these teachings do not indicate the registers are selectively allocatable to any one of a plurality of remote applications as claimed. The registers are urged to be interpreted as employing a form of allocation that was only known in the prior art, namely that a separate security register was dedicated to each application.

From this discussion, the Examiner responds beginning at page 12 of the revised Answer in a manner that is difficult to follow, but the general sense that we derive from the Examiner's position we strongly agree with. Essentially, the Examiner is urging that the actual subject matter of independent claims 1 and 2 on appeal does not read over what Appellants admit to be a part of what was admitted in the prior art according to the initial discussion in the Specification as filed. We agree therefore with the Examiner's general observation that the directories tree must have a greater number of levels than the number of registers claimed would be able to serve or otherwise allocate to them or, on the other hand, the number of registers that may be allocated must be less than the number of directory tree levels

allocated to the registers. Even the initial (and perhaps only) allocation is selective or dynamic to the extent broadly claimed according to the Appellants' prior art discussion and by inference to their views relative to the teachings in Proust. The claims do not require that the registers once allocated be reallocated among the directories recited. The Supplemental Reply Brief does not appear to come to grips with the Examiner's observations here.

Lastly, we address the features of dependent claim 4 which further recites the feature of the seeking step of independent claim 2 to permit the verification of a secret presented such as to be known in a current directory or in a directory at a higher level of the hierarchy. Although Appellants appear to want to recite that the higher level is of a parent level of a given directory, the claim does not appear to so recite this requirement. Appellants' Brief, Reply Brief, and Supplemental Reply Brief do not appear to address the Examiner's remarks at page 10 of the Answer with respect to the discussion of claim 4 as it relates to column 8 of Proust. The discussion here appears to teach the broadly recited requirements of dependent claim 4 on appeal.

The Examiner's additional reliance upon Shanton for the features as well merely confirms, in what appears to be an object-oriented programming environment, the substance of what column 8 appears to already teach or suggest to the artisan within 35 U.S.C. § 103. Figure 3 of Shanton appears to somewhat abstractly compare to Appellants' invention set forth in disclosed Figures 2 through 4, illustrating the plural directories may exist at the same level. The Examiner's reliance upon the discussion at the middle of column 4 of Shanton is merely consistent with what the artisan would

appreciate to have been well known in the object-oriented programming environment with respect to inheritance of objects that are arranged in a tree-structured hierarchical manner. Appellants' remarks at page 8 of the Brief recognize that this reference teaches that this inheritance of objects can change dynamically during the operation of the objects. As indicated earlier, Proust already teaches in effect that a security register can be dynamically allocated to any one of a plurality of directories in a hierarchy.

In view of the foregoing, the decision of the Examiner rejecting claims 1, 2, and 4 under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

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Buchanan, Ingersoll & Rooney PC  
Post Office Box 1404  
Alexandria, VA 22313-1404